

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

In Re:)
)
AREDIA and ZOMETA PRODUCTS) No. 3:06-MDL-01760
LIABILITY LITIGATION) Judge Campbell/Brown
(MDL No. 1760))
)
This Document Relates to)
Case No. 3:10-CV-0977 (Jeppsen))

O R D E R

Presently pending is Norvartis's motion to suggest a remand in this case (Docket Entry 7464) to which a response has been filed in opposition (Docket Entry 7466). Given the opposition, the Magistrate Judge will not recommend to Judge Campbell that he enter a suggestion of remand in this case prior to September 12, 2014.

The Magistrate Judge, however, cannot let the motion in opposition stand without comment. Plaintiffs' counsel appears to deliberately misread the Court's recent order of Docket Entry 4763. That order was intended to remind the parties that there are deadlines and that extensions would not be likely granted. As each succeeding group or wave has come to a deadline for suggestion of remand there have been a number of cases that requested additional time. Again, that order was to remind the parties of the deadline and that extensions would not be likely granted. At no time has this Court suggested to the parties that if they were in an agreement to an earlier remand, that it would not be carefully considered for favorable treatment.

The Plaintiffs' Steering Committee and Plaintiffs' counsel in this case have continually asked for earlier remands of their cases. However, if as Plaintiffs' counsel notes, there is outstanding discovery, then if Plaintiffs' counsel wishes to delay the suggestion of remand until September 12, 2014, that is his choice. The Magistrate Judge would note that a simple statement of this fact would have been sufficient without what appears to be an unnecessary attack on opposing counsel and the scheduling orders in this case.

It is so ORDERED.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge